

FR 5108), FDA proposed to require the filing of a premarket approval application (PMA) or a notice of completion of a product development protocol (PDP) for the automated blood cell separator intended for the routine collection of blood and blood components. In accordance with section 515(b)(2)(A) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(b)(2)(A)), the agency provided for an opportunity to request a change in classification of the device based on new information relevant to the classification of the device and for the submission of comments on the proposed rule. In accordance with section 515(b)(2)(B) of the act, the proposed rule notified interested persons that requests for a change in classification of the device must be submitted within 15 days of the publication of the proposed rule. In addition, the notice provided for a 60-day comment period on the proposed rule, ending April 19, 1988.

The agency has received a request on behalf of the Health Industry Manufacturers Association to alter the comment period to 90 days. Section 520(d)(2) of the act (21 U.S.C. 360j(d)(2)) provides that the comment period for proposed rulemaking under section 515(b) of the act shall be at least 60 days but may not exceed 90 days unless extended for good cause. Within the discretion provided by the act (section 520(d)(2)), the agency has altered the comment period to 90 days rather than the 60-day comment period originally provided for in the proposed rule of February 19, 1988.

Interested persons may, on or before May 19, 1988, submit to the Dockets Management Branch (address above) written comments regarding this action. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 10, 1988.

John M. Taylor,
Associate Commissioner for Regulatory
Affairs.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[SW-FRL-3330-7]

National Oil and Hazardous Substances Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete sites from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) announces its intent to delete three sites from the National Priorities List (NPL) and requests public comment. The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). The reason this action is being taken is that Superfund remedial activities have been completed. Consequently, this action is to remove these sites from the Superfund NPL.

DATE: Comments concerning these sites may be submitted until June 15, 1988.

ADDRESSES: Comments may be mailed to Patrick M. Tobin, Director, Waste Management Division, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365. Comprehensive information on this site is available through the EPA Region IV Docket clerk.

Requests for comprehensive copies of documents should be directed formally to the appropriate Regional Docket Office. Address for the Regional Docket Office is:

Gail Alston, Region IV, USEPA
Library, Room G-8, 345 Courtland
Street, NE., Atlanta, Georgia 30365, 404/
347-4218.

FOR FURTHER INFORMATION CONTACT:
Patrick M. Tobin, Director, Waste
Management Division, 345 Courtland
Street NE., Atlanta, Georgia 30365.

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I. Introduction

The Environmental Protection Agency (EPA) announces its intent to delete three sites from the National Priorities List (NPL), Appendix B, of the National Oil and Hazardous Substances Contingency Plan (NCP), and requests comments on these deletions. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substances Response Trust Fund (Fund) financed remedial actions. Any sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action.

The three sites EPA intends to delete from the NPL are:

1. Gallaway Pits, Gallaway, Tennessee.
2. Lee's Lane Landfill, Louisville, Kentucky
3. Newport Dump, Wilder, Kentucky

The EPA will accept comments on these three sites for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action and those the Agency is considering using for future site deletions. Section IV discusses each site and explains how each site meets the deletion criteria.

II. NPL Deletion Criteria

Recent amendments to the NCP establish the criteria the Agency uses to delete sites from the NPL as published in the **Federal Register** on November 20, 1985 (50 FR 47912). Section 300.66(c)(7) on the NCP provides that sites:

• • • may be deleted from or recategorized on the NPL where no further response is appropriate. In making this determination EPA will consider whether any of the following criteria has been met:

- (i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required;
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Before deciding to delete a site, EPA will make a determination that the remedy or decision that no remedy is necessary, is protective of public health, welfare, and the environment. In addition section 121(f)(1)(c) of CERCLA requires state concurrence for deleting a site from the National Priorities List.

Deletion of the site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such actions. § 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

III. Deletion Procedures

In the NPL rulemaking published in the *Federal Register* on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on the question of whether the notice and comment procedures followed for adding sites to the NPL should also be used before sites are deleted. Comments also were received in response to the amendments to the NCP that were proposed in the *Federal Register* on February 12, 1985, (50 FR 5862). Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist agency management. As is mentioned in section II of this notice, § 300.66(c)(8) of the NCP makes clear that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

For the deletion of this site, EPA's Regional Office will accept and evaluate public comments before making the final decision to delete. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community surrounding the sites considered for deletion are likely to be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this site. The Agency is considering using similar procedures in the future with the exception that the notice and comment period would be conducted concurrently at the local level and through the *Federal Register*.

The procedures used are:

1. EPA Regional Office recommended deletion and prepared relevant documents.

2. EPA Region IV is providing a 30-day public comment period on the deletion package. The notification is being provided to local residents through local and community newspapers. The Region made all relevant documents available in the Regional Offices and local site information repositories.

3. The comments received during the notice and comment period will be evaluated before the tentative decision to delete was made.

4. Comments received during the notice and comment period will be evaluated before the final decision to delete. Region IV will prepare a responsiveness summary that will address the comments given in the public comment period.

A deletion will occur after the Assistant Administrator for Solid Waste and Emergency Response places a notice in the *Federal Register*. The NPL will reflect any deletions in the final update. Public notices and copies of the responsiveness summary will be made available to the local residents by the Region IV.

IV. Basis for Intended Site Deletions

The following summary provides the Agency's rationale for intending to delete these sites from the NPL.

Galloway Pits Site, Galloway, Tennessee

The Galloway Pits site is located 2.3 miles northeast of Galloway, Tennessee, in Fayette County. The five-acre site was extensively mined for sand and gravel, producing a landscape dotted with water-filled pits up to 50 feet deep. Some of the pits have been used for the disposal of residential trash, demolition debris, and appliances. One pit designated as Pond 1 was used for the disposal of liquid and solid waste (mainly pesticide or pesticide residues), glass jars containing solid waste, and drums. The site was proposed for inclusion on the National Priorities List (NPL) in December 1982 and appeared on the final NPL in September 1983. In October 1983, the EPA conducted an emergency clean-up of Pond 1, consisting of the excavation and offsite disposal of contaminated sludges and onsite treatment of the water in the pond. In February 1984, EPA obligated funds to conduct a Remedial Investigation/Feasibility Study (RI/FS). The RI/FS included a sampling program for surface water and sediments, surface soils, groundwater and the evaluation of clean-up alternatives. The RI found low levels of pesticide contamination in surface water and sediments in onsite ponds. Chlordane was the most prevalent contaminant with a few

occurrences of Dieldrin and Toxaphene. Arsenic and Cadmium were detected above background levels in pond sediments. The groundwater investigation did not show any indication of site-related contamination. The only unacceptable risk presented by the Galloway Pits site was the potential risk to offsite biota that could occur if ponds designated as Ponds 1, 2, and 5 would overflow to offsite tributaries.

The remedy selected and implemented at the Galloway Pits site involved the removal of water from Ponds 1, 2 and 5 and subsequent discharge to an unnamed tributary of Cane Creek. The remedy also included the excavation and solidification of contaminated sediments from Ponds 2 and 5, with onsite disposal in Pond 1. Sediment sampling was conducted during excavation to ensure that clean-up levels specified in the ROD were achieved. A multi-media cap meeting RCRA requirements was constructed on Pond 1. Two additional monitoring wells were installed during construction to monitor groundwater quality at the site. Finally, a fence was constructed around the Pond 1 disposal site to restrict site access and future mining activity.

EPA, with the concurrence of the State of Tennessee, has determined that all appropriate Fund-financed response under CERCLA at the Galloway Pits site has been completed, and has determined that no further clean-up by responsible parties is appropriate.

Lee's Lane Landfill Site, Louisville, Kentucky

The Lee's Lane Landfill site is located immediately adjacent to the Ohio River in Jefferson County, approximately 4.5 miles southwest of Louisville, Kentucky. The site consisting of 112 acres, is approximately 5,000 feet in length and 1500 feet in width. Domestic, commercial and industrial wastes were disposed of in the landfill from the late 1940's to 1975. Prior to and during its use as a landfill, sand and gravel were quarried at the site. In 1975, residents were evacuated from their homes as a result of explosive levels of methane gas. Between 1975 and 1979 gas study concluded that there were no health hazard to the public. Although the gas collection system was found to be operating at a 41 percent efficiency the gas monitoring program confirmed that the system was preventing gas migration toward Piverside Gardens.

An Enforcement Decision Document (EDD) was signed on September 25, 1988. The remedy selected and implemented for the site included construction of the riprap system.

surface waste clean-up, inspection and repair of a gas collection system, hook-up to an alternate water supply, gas, air and groundwater monitoring, cautionary signs and installation of a gate at the entrance to the site. An action memorandum dated March 10, 1987 initiated the Remedial Action at the site by Region IV's Emergency Response and Removal Branch. All Remedial Action activities were completed by December 1987.

EPA, with the concurrence of the Commonwealth of Kentucky, has determined that all appropriate fund-financed response under CERCLA at the Lee's Lane Landfill site has been completed, and has determined that no further clean-up is appropriate. Operation and Maintenance have been assured by the Commonwealth of Kentucky.

Newport Dump Site, Wilder, Kentucky

The Newport Dump Site is a former municipal landfill located in the City of Wilder in Campbell County, Kentucky. Contiguous to the western boundary of the site is the Licking River, a tributary of the Ohio River. The 39 acre site was originally used by City of Newport for the disposal of residential and commercial wastes from its opening in the late 1940's until its closure in 1979. During this period the Kentucky Department of Natural Resources and Environmental Protection (KDNREP) cited the City of Newport for numerous waste disposal violations and the site was eventually purchased by the North Kentucky Port Authority. In 1982, the Newport Dump Site was evaluated by the Hazard Ranking System (HRS) and received a score of 37.69 which ranked the site number 359 in Group 8 on the National Priorities List (NPL). The basis for the NPL ranking is that the Newport Site contains over 1,000,000 cubic yards of both hazardous and non-hazardous commercial waste, the site is adjoined on both the southern and western boundaries by an unnamed stream and the Licking River respectively, and across the Licking River, towards the west, is a potable water intake serving 75,000 nearby residents. A Remedial Investigation and Feasibility Study ensued and discovered several inorganic contaminants, barium, chromium, nickel and organic compounds, toluene, leaching into the Licking River slightly above health base levels established by the Safe Water Drinking Act's Maximum Contaminant Levels (MCLs). A Record of Decision (ROD) was signed at Region IV EPA, Atlanta, Georgia on March 27, 1987 selected the following response: monitoring groundwater and subsurface gas migration, construction of a leachate

collection system, and regarding and revegetating the 39 acre site to prevent any erosion. An Action Memo to authorize a removal action was signed in June 1987. This response action was constructed and placed into operation within 7 months of the signing of the ROD and completed during December 1987. Groundwater, surface water, soil and sediment sampling were accomplished during the construction and post construction phases. Except for the waste sources, the sampling results listed negligible (well below the MCL criteria) to non-detectable contaminant levels in the adjacent Licking River, and in both on-site and off-site media demonstrated no significant or potentially harmful migration of contaminants to off-site receptors. Currently, Region IV EPA has been successfully implementing the start-up phase of the Operations and Maintenance Plan as mandated by the ROD. U.S. EPA has received a commitment from the State of Kentucky that the State of Kentucky will continue O&M after the EPA has completed the start-up phase. This start-up phase shall be completed by 1st quarter, FY-89. Furthermore, U.S. EPA, with the concurrence of the State of Kentucky, has determined that all appropriate Fund-financed response under CERCLA has been completed for the Newport Dump Site. It is the position of both the U.S. EPA and the State of Kentucky, except for any anticipated emergency action or response, no further clean-up by appropriate governmental authorities or responsible parties is required at this time.

Dated: April 28, 1988.

Joe R. Franzmethe,

Acting Regional Administrator.

[FR Doc. 88-10875 Filed 5-13-88; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[Gen. Docket No. 88-337]

Automatic Transmitter Identification System for Video Satellite Uplinks

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; oral proceeding.

SUMMARY: This action provides an opportunity for parties to appear and present additional information regarding an Automatic Transmitter Identification System (ATIS) for Video Satellite Uplinks as proposed in a *Further Notice*

of Proposed Rulemaking adopted June 10, 1987, in General Docket No. 88-337. See 47 CFR Part 25 Satellite Radio. (52 FR 26538, July 15, 1987).

This action assists the Commission in its selection of an appropriate ATIS standard.

DATE: Oral proceeding will be held on May 16, 1988, 9:30 am, Washington, DC.

ADDRESS: The Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Barbara Jones, Field Operations Bureau, (202) 632-7090.

SUPPLEMENTARY INFORMATION:

In a Notice of Proposed Rulemaking and Notice of Inquiry adopted on August 7, 1986, in the above docket, the Commission proposed an Automatic Transmitter Identification System (ATIS) for video satellite uplink signals regulated under Part 25 of the Rules. By a Further Notice of Proposed Rulemaking in that docket adopted on June 10, 1987, the Commission indicated that commenters overwhelmingly supported the concept of ATIS on video satellite uplinks and requested further comments concerning the technical parameters and methodology to be utilized in such a system.

The satellite radio industry is divided with regard to the appropriate methodology to employ in an ATIS system. The basic requirements of a system for video satellite uplinks include signal availability at all times, even during tune-up; no degradation of transmitted video; detectability under normal modulation conditions; and allowance of flexibility for utilizing the transponder bandwidth. Two ATIS methods discussed in the comments are modulation of the energy dispersal signal and subcarrier modulation.

To further assist the Commission in its selection of an appropriate ATIS standard for Part 25 video satellite uplinks, an oral proceeding will be held on May 16, 1988, at 9:30 a.m., in Room 856, 1919 M Street, NW., Washington, DC. Interested parties will be provided an opportunity to present their views on the following issues:

(1) Are both the energy dispersal and subcarrier systems, as discussed in the comments, compatible with all present uplink systems?

(2) Which proposal is less likely to cause conflicts in future video systems?

(3) Since both the energy dispersal and subcarrier systems are not commercially available, what rule flexibility in terms of technical standards, would aid commercial production and increase applicability to varying uplink signal conditions?